

**BOARD OF REGISTRATION IN PHARMACY  
MEETING MINUTES  
TUESDAY OCTOBER 23, 2007  
239 CAUSEWAY STREET, ROOM 206  
BOSTON, MA 02114**

**Present:** James DeVita, R.Ph., Karen Ryle, R.Ph., M.S., George Cayer, R.Ph., Sophia Pasedis, R.Ph., Pharm.D., William Gouveia, R.Ph., M.S., Marilyn Barron, MSW, Public Member, Steven Budish, Public Member, Joel Berman, R.Ph., Kathy Fabiszewski, Ph.D., R.N., Donald Accetta, M.D., Michael Tocco, R.Ph., M.Ed.

**Staff:** James D. Coffey, R.Ph., Dir., Margaret C. Cittadino, Assoc. Dir., Susan Manning, Counsel, Leo McKenna, R.Ph., Pharm.D., CQI Surveyor, Carolyn Reid, Admin. Asst., James Emery, Inv., Samuel Penta, R.Ph., Superv. Inv., Cheryl Latham, R.Ph., Inv.

1. 8:30 a.m. – Pres. DeVita called meeting to order.
2. Introductions – new Board Staff
  - a) Margaret “Margy” C. Cittadino, Associate Director
  - b) Cheryl Latham, R.Ph., Investigator
3. 8:35 a.m. - Review of Board Minutes  
Motion/Tocco to approve September 4, 2007 minutes. Second/Cayer.  
All in favor.
4. 8:40 a.m. – Pharmacy/Pharmacy Department Applications

Change of Manager

CVS Pharmacy #207, Fall River (Pharmacy Reg. No. 2864)  
CVS Pharmacy #159, Melrose (Pharmacy Reg. No. 16605))  
CVS Pharmacy #73, Amesbury (Pharmacy Reg. No. 2366)  
CVS Pharmacy #1862, Chestnut Hill (Pharmacy Reg. No. 2712)  
CVS Pharmacy #3307, Boston (Pharmacy Reg. No. 3205)  
CVS Pharmacy #1026, Springfield (Pharmacy Reg. No. 2824)  
CVS Pharmacy #1095, Amherst (Pharmacy Reg. No. 2787)  
CVS Pharmacy #1251, Holbrook (Pharmacy Reg. No. 3422)  
CVS Pharmacy #1884, Rowley (Pharmacy Reg. No. 2123)  
CVS Pharmacy #2322, Hyannis (Pharmacy Reg. No. 2827)  
(DeVita and Tocco recused from all CVS above)

Pharmacare Pharmacy #8409, Worcester (Pharmacy Reg. No. 3229)  
Pharmacare Pharmacy #8410, Spencer (Pharmacy Reg. No. 3231)  
Pharmacare Pharmacy #8405, Leominster (Pharmacy Reg. No. 3224)

Stop and Shop Pharmacy #60, Medford (Pharmacy Reg. No. 2131)  
(Berman recused)

Hannaford Food and Drug, Chelmsford (Pharmacy Reg. No. 2677)  
Hannaford Food and Drug, Easton (Pharmacy Reg. No. 2438)  
Wal-Mart 10-3560, Fall River (Pharmacy Reg. No. 3173)  
Walgreens Pharmacy #4966, Malden (Pharmacy Reg. No. 2924)  
Walgreens Pharmacy #3508, Wakefield (Pharmacy Reg. No. 2527)

Renovation / Expansion

North Shore Pharmacy, 360 Audubon Rd., Wakefield (Pharmacy No. 3458)

CVS/pharmacy #318, 637 Lowell St., Peabody (Pharmacy Reg. No. 21288)  
(DeVita and Tocco recused)

Central Intravenous Admixture Service (CIVAS)

Apothecare of Plymouth, 121-3 Camelot Dr., Plymouth (Pharmacy No. 3481)  
Apothecare of Whitman, 7 Marble Street, Whitman (Pharmacy No. 3451)  
Motion/Pasedis to approve above applications, subject to compliant  
inspections and other noted conditions. Second/Cayer. All in favor.

5. 8:45 a.m. - Updates - Dir. Coffey

Effective January 2, 2008, the National Association of Boards of Pharmacy® (NABP®) will utilize Pearson VUE as the vendor for administration of the North American Pharmacist Licensure Examination™ (NAPLEX®) and the Multi-state Pharmacy Jurisprudence Examination® (MPJE®). Registration for Pearson VUE testing centers begins January 2, 2008; candidates registering prior to that date will register with current test vendor, Prometric.

E-licensure: Business Rules Verification and User Acceptance Testing is underway at the Board

6. 8:50 a.m. - Report of Office of Investigations

File Review - Samuel J. Penta, R.Ph., Supervising Investigator,  
James C. Emery, Investigator and Cheryl Latham, R.Ph., Investigator

1	SA DS 08 033	Investigative Conference
2	DS 08 012	Investigative Conference
3	DS 08 014	Investigative Conference
4	DS 08 015	Investigative Conference
5	DS 08 019	Investigative Conference
6	SA DS 07 087	Investigative Conference

7	PH 08 016	Advisory Letter
8	PH 08 017	Advisory Letter
9	DS 08 020	Advisory Letter
10	SA DS 08 032	Investigative Conference
11	PH 08 014	Dismissed
15	SA DS 07 103	Investigative Conference

7. 9:45 a.m. – Application Conferences

a) Pedro L. Rosa - Pharmacy Technician Applicant

Present: Applicant and Chris Casale, R.Ph., MOR, Bioscrip Pharmacy

Motion/Tocco to approve application subject to receipt and review of outstanding documentation. Second/Pasedis. All in favor.

b) Angie Bejin - Pharmacist Applicant

Present: Applicant

Motion/Cayer to approve application for examination. Second/Pasedis. All in favor.

8. 10:45 a.m. - Report of Office of General Counsel

Pending legal matters - Susan Manning, Board Counsel

10:45 a.m. - Motion/Budish to enter Closed Session (M.G.L. c. 112, s. 65C and M.G.L. c. 30A, s. 11A). Second/Cayer. All in favor.

11:15 a.m. – Motion/Gouveia to return to Open Session. Second/Ryle. All in favor.

a) Matter of John O’Sullivan, R.Ph. (No. 18979) – Docket No. PH-07-092. Licensee (October 18, 2007 letter of Paul Garbarini, Esq.) declined to execute voluntary surrender agreement proposed by Board. Summary suspension order (September 25, 2007 vote) per 247 CMR 10.07 will be issued.

b) Matter of Lynne Kellermann, R.Ph. (No. 22990) – Docket No. PH-07-081. Licensee declined to execute proposed Consent Agreement; matter will be referred to Office of Prosecutions.

c) Matter of Mbadiwe Okongwu, R.Ph. (No. 18415) – Docket No. PH-07-120

Matter of Deruko Pharmacy, Inc. dba Ruggels Sqaure Pharmacy (No. 2887) – Docket No. DS-07-057. Licensee declined to execute proposed Consent Agreement; matter will be referred to Office of Prosecutions.

“Pharmacist emeritus” update – regulations and related approvals necessary for additional licensure class will not be developed at this time due to current enforcement related priorities.

Quarterly Meeting held on October 15, 2007 related to February 8, 2006 Agreement with CVS. Staff will report on information presented at Agreement Quarterly Meeting and will be provided to Board at future meeting. William Irvin, R.Ph., Dir., Regulatory Compliance, CVS/CAREMARK Corporation, will present information to the Board regarding CVS pharmacy staffing process at November 20, 2007 meeting.

9. 11:20 a.m. - Wholesale Distributor “BROKER” Applicant Appearance

CUBIST Pharmaceuticals, Inc. - proposed: 65 Hayden Ave., Lexington, MA, 01887.

The purpose of the meeting is to discuss the merits of an application for licensure as a wholesale distributor broker. The applicant will be represented by facility designated representative Deborah L. Perates, CUBIST Pharmaceuticals – Senior Coordinator. The applicant proposes to broker (not physically possess) transactions involving Schedule VI legend drug (CUBICIN/ daptomycin for injection).  
Tabled to November or December Board Meeting.

10. 11:30 a.m. - Investigative Conferences

Recused and exited meeting room for both conferences: DeVita and Tocco

a) Matter of Michael J. Duggan, R.Ph. (No. 25866) – Docket No. PH-07-059

Present: Michael Duggan; Paul Garbarini, Esq.

11:30 a.m. - Motion/Pasedis to enter Closed Session (M.G.L. c. 112, s. 65C). Second/Ryle. All in favor.

Motion/Berman to take matter under advisement. Second/Gouveia. All in favor.

Motion/Ryle to stop practicing as a pharmacist, and refer to MPRS evaluation within 30 days. (or voluntary surrender). Second/Cayer. All in favor.

b) 12:00 p.m.

Matter of Stephen R. Ciapciak, R.Ph. (No. 18131) – Docket No. PH-07-060

Present: Stephen Ciapciak, R.Ph.

Motion/Pasedis to take matter under advisement. Second/Cayer. All in

Motion/ board suggested to write letter request info, reg: mail order pres. filling to include prescription label and request that licensee doesn't work until matter resolve by board.

Motion/Barron return to Open Session. Second/Ryle. All in favor.

13. 12:30 p.m. - New Business

a) Melvin S. Faris - Pharmacist Technician Registration applicant.

Motion/Cayer to approve application. Second/Gouveia. All in favor.

b) Anne M. Baciewicz, R.Ph. - Pharmacist Reciprocal Licensure applicant

Motion/Berman to approve application. Second/Tocco. All in favor.

c) Lawrence B. Goldstein - Pharmacist Score Transfer Licensure applicant

Motion/Cayer to deny application related to experience deficiency.

Second/Pasedis. All in favor.

d) John P. Sullivan, R/Ph. - Pharmacist Reciprocal Licensure applicant

Motion/Berman to approve application. Second/Accetta. All in favor.

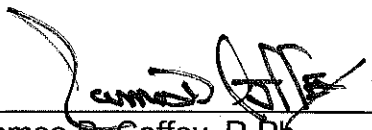
e) Dennis Francesconi, R.Ph. (No. 17216) – Docket No. PH-06-094).

Request for termination of suspension and conversion to probationary status pursuant to Consent Agreement terms.

Motion/Pasedis to approve petition; terminate suspension and place license on probationary status. Second/Ryle. All in favor.

15. 1:00 p.m. – Motion/DeVita to adjourn meeting. Second/Pasedis. All in favor.

Respectfully submitted by:

  
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James D. Coffey, R.Ph.  
Director  
Date: 2-20-08

Reviewed by counsel: January 09, 2008

Draft approved: January 16, 2008

Board approved: February 12, 2008

**BOARD OF REGISTRATION IN PHARMACY  
ADJUDICATORY SESSION MINUTES  
TUESDAY, OCTOBER 23, 2007  
239 CAUSEWAY STREET, ROOM 206  
BOSTON, MASSACHUSETTS 02114**

a) 11:30 a.m.

In the matter of Michael J. Duggan, R.Ph. (No. 25866) – Docket No.  
PH-07-059

Present: Michael Duggan; Paul Garbarini, Esq.

11:30 a.m. - Motion/Pasedis to enter Closed Session (M.G.L. c. 112, s. 65C).  
Second/Ryle. All in favor.

Mr. Duggan stated that he was currently being treated for pain (bulging disk in back "neuropathy") with medications to include Tramadol, Flomax and Vicodin. He stated he signed a loss prevention statement thinking he could keep his job with CVS. He said that the Baker Cell was not functioning with regard to the Vicodin 5/500mg tablets.

Mr. Duggan said that he was willing to be assessed by MPRS. Duggan said he was not currently employed as a pharmacist.

Duggan stated that he did not have an opportunity to cancel the Vicodin Rx in the Bellingham, MA CVS Pharmacy due to scheduling issues. He stated he transferred the medication because the Vicodin 5/500mg was not available at the CVS pharmacy where the original prescription was on record.

b) 12:00 p.m.

In the matter of Stephen R. Ciapciak, R.Ph. (No. 18131) – Docket No.  
PH-07-060

Mr. Ciapciak said that he was tired and was falling asleep on the way home from work on the incident date. He said that he used poor judgment working additional hours. Ciapciak said he was a single parent raising three children and chose to work additional hours to help defray education costs.

Ciapciak said that he took the prescribed dose of pain medication when needed as prescribed. Ciapciak stated that he was not currently working as a pharmacist but is working full time for Miracle Ear. His most recent back surgery was Dec. 06. Ciapciak said he was evaluated by Lahey Clinic and NE Baptist Hospital. Ciapciak said that he obtained the medication at issue from a mail order pharmacy in FL.

Present: Stephen Ciapciak, R.Ph.

Motion/Pasedis to take matter under advisement. Second/Cayer. All in

Motion/Cayer - Board suggested to request info regarding mail order prescription info (including prescription label) and request that licensee not work as pharmacist until matter resolve by Board. Second/Barron. All in favor.

12:30 p.m. Motion/Pasedis to return to Open Session. Second/Ryle. All in favor.